

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

WALTER A. HUBB

Plaintiff

V.

T.D. MECHANICAL INDUSTRIES

Defendant

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No. 5:04CV281

MEMORANDUM ORDER

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Substituted Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections were filed to the Report and Recommendation. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that Defendant's Motion to Dismiss for Failure to State a Claim (Dkt. No. 5) is **GRANTED WITH LEAVE TO AMEND**. It is further

ORDERED that Plaintiff shall amend his Original Complaint within fourteen days from the date of entry of this Order. It is further

ORDERED that failure to amend within the deadline prescribed by this Order may result in the permanent dismissal of Plaintiff's lawsuit.

SIGNED this 1st day of June, 2005.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE